

## Remarks

Claims 1-13 and 15-22 are pending in this application. Applicants have amended claims 1, 13, 15 and 19, canceled claim 20 and presented new claim 23 to clarify the claimed invention. Applicants respectfully request favorable reconsideration of this application.

The amendments to claims 1, 13, 15, and 19 are supported by the specification at, among other passages, paragraphs 0022 and 0069 of the published application, which clearly describe a portable computing device, such as a PDA, that is carried by or worn by a user and use of the portable computing device as part of an apparatus and carrying out the method with a portable computing device.

The Examiner rejected claim 13 under 35 U.S.C. § 101 as not being directed to statutory subject matter. Claim 13 clearly recites a computer readable medium. Accordingly, claim 13 clearly recites a physical article or object to constitute a machine or a manufacture within the meaning of 35 U.S.C. § 101. Additionally, claim 13 also recites presenting or displaying on a portable computing device at least information about a new event or an alarm for said selected device and/or the location of said equipment, plant or process to a user. Accordingly, Applicants submit that claim 13 recites statutory subject matter and respectfully request withdrawal of this rejection.

The Examiner rejects claimed 1-3, 8, 13, 15-17, and 19-22 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,006,171 to Vines et al. The Examiner rejected claims 4-7, 9-

12, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Vines et al. in view of U.S. patent 7,120,830 to Tonack.

Vines et al. does not disclose the claimed invention since, among other things, Vines et al. does not disclose selecting using a portable computing device one of a equipment, plant or process or displaying on the portable computing device at least information about a new event or an alarm for the selected device and/or the location of the equipment, plant or process to a user. Rather, Vines et al. discloses a computerized maintenance management system that clearly only includes a stationary system for use with a desktop computer. For example, this is disclosed in Figs. 1-3 and col. 3, lines 11-39 and lines 41-52. Vines et al. does not include any disclosure of a portable computing device. Using a portable computing device to select an equipment, plant or process and displaying on the portable computing device at least information about a new event or an alarm for the selected device and/or the location of the equipment, plant or process to a user results in the claimed invention providing a higher level of usability and flexibility as compared to Vines et al.

In view of the above, Vines et al. does not disclose all elements of the invention recited in claims 1, 8, 13, and 19. Since Vines et al. does not disclose all elements of the invention recited in claims 1, 8, 13, and 19, the invention recited in claims 1, 8, 13, and 19 is not properly rejected under 35 U.S.C. § 102(b). For an anticipation rejection under 35 U.S.C. § 102(b) no difference may exist between the claimed invention and the reference disclosure. *See Scripps Clinic and Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q. 841 (C.A.F.C. 1984).

Along these lines, anticipation requires the disclosure, in a cited reference, of each and every recitation, as set forth in the claims. See *Hodosh v. Block Drug Co.*, 229 U.S.P.Q. 182 (Fed. Cir. 1986); *Titanium Metals Corp. v. Banner*, 227 U.S.P.Q. 773 (Fed. Cir. 1985); *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986); and *Akzo N.V. v. U.S. International Trade Commissioner*, 1 U.S.P.Q.2d 1081 (Fed. Cir. 1986).

The combination of Vines et al. and Tonack does not suggest the invention recited in claims 4-7, 9-12, and 18, since, among other things, the combination does not suggest selecting using a portable computing device one of a equipment, plant or process or displaying on the portable computing device at least information about a new event or an alarm for the selected device and/or the location of the equipment, plant or process to a user. Clearly, as described above, Vines et al. does not suggest a portable computing device. The Examiner asserts that Tonack suggests employees are located at remote locations and are able to access information. Tonack suggests a method for requesting one or more machines to be maintained including monitoring the machine or machines and detecting when a failure of at least one machine occurs. In the abstract, Tonack suggests executing a computer program on an electronic terminal associated with the failed machine. Tonack only suggests a portable device at col. 5, lines 39-44, to receive messages. Tonack does not include any suggestion of utilizing portable devices as input devices. In fact, since Tonack explicitly describes at col. 5, lines 14-19, that the terminals are located at each equipment, modifying Tonack to utilize portable computing devices to select a desired equipment would be contrary to the teachings of Tonack. In view of the above, the combination of Vines et al. and Tonack does not suggest the invention recited in claims 4-7, 9-12, and 18 and Applicants respectfully request withdrawal of this rejection.

In view of the above, the references relied upon in the office action, whether considered alone or in combination, do not disclose or suggest patentable features of the claimed invention. Therefore, the references relied upon in the office action, whether considered alone or in combination, do not anticipate the present invention or make the claimed invention obvious. Accordingly, Applicants respectfully request withdrawal of the rejections based upon the cited references.

In conclusion, Applicants respectfully request favorable reconsideration of this case and early issuance of the Notice of Allowance.

If an interview would advance the prosecution of this case, Applicants urge the Examiner to contact the undersigned at the telephone number listed below.

The undersigned authorizes the Commissioner to charge fee insufficiency and credit overpayment associated with this communication to Deposit Account No. 22-0261.

Respectfully submitted,

Date: February 2, 2009

/Eric J. Franklin/  
Eric J. Franklin, Reg. No. 37,134  
Attorney for Applicants  
Venable LLP  
575 Seventh Street, NW  
Washington, DC 20004  
Telephone: 202-344-4936  
Facsimile: 202-344-8300